

REMARKS

Claims 1-16 and 23-25 are pending. Claims 1, 9 and 23 are amended herein.

102 Rejections

Claims 1-6 and 9-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Muftic (US 5,943,423). The Applicants have reviewed the cited reference and respectfully assert that Muftic does not show or suggest the embodiments of the present invention recited in Claims 1-6 and 9-13.

Claims 1 and 9 are amended herein to more clearly describe the present claimed invention. More specifically, embodiments of the present invention pertain to methods of activating a non-activated smart card. As recited in the amended claims, a non-activated smart card refers to a new card that has not been previously used by a particular user. Once the smart card is activated, the user can then gain access to computing resources, for example.

Given the context of the claims as described above, the Applicants respectfully submit that Muftic does not show or suggest activating a non-activated smart card. Reference is made to column 10, lines 58-62, of Muftic, which states "When received from the manufacturer, smart cards are essentially blank. They must be formatted, for example, to effectuate the data architecture shown in FIG. 4 and they must be personalized with information for the specific user to which the card will be assigned" (emphasis added). However, Muftic does not show or suggest a method for

personalizing a smart card. In other words, bearing in mind the manner in which "non-activated" and "activating" are used in the claims, Applicants respectfully submit that Muftic does not show or suggest methods for activating a non-activated smart card.

Specifically, Applicants respectfully submit that Muftic does not show or suggest "receiving identifying information for a non-activated smart card that is being used for the first time by a user; receiving manual authentication information for the user to whom the non-activated smart card has been issued; authenticating the user and the non-activated smart card using the identifying information and the manual authentication information; obtaining a public key from the non-activated smart card; and issuing a digital certificate that is generated using the public key, wherein the non-activated smart card is activated upon receiving the digital certificate" as recited in independent Claim 1. Claims 2-6 are dependent on Claim 1.

Furthermore, Applicants respectfully submit that Muftic does not show or suggest "sending, to an administration server, identifying information read from a non-activated smart card that has not been previously used by a user to whom the non-activated smart card has been issued; sending, to the administration server, manual authentication information input by a the user; generating a public key using the non-activated smart card; sending the public key to the administration server; and receiving a digital certificate that is generated using the public key, wherein the non-activated smart card is activated upon receipt of the digital

certificate" as recited in independent Claim 9. Claims 10-13 are dependent on Claim 9.

Therefore, Applicants respectfully submit that the Examiner's basis for rejecting Claims 1 and 9 under 35 U.S.C. § 102(b) is traversed and that these claims are in condition for allowance. Applicants also respectfully submit that the Examiner's basis for rejecting Claims 2-6 and Claims 10-13 under 35 U.S.C. § 102(b) is traversed, as these claims are dependent on allowable base claims and recite additional limitations.

103 Rejections

Claims 7-8, 14-16 and 23-25 are rejected under 35 U.S.C § 103(a) as being unpatentable over Muftic in view of Boroditsky et al. ("Boroditsky," US 6,332,192). The Applicants have reviewed these references and respectfully assert that the present invention as recited in Claims 7-8, 14-16 and 23-25 is not anticipated nor rendered obvious by Muftic and Boroditsky, alone or in combination.

As presented above, the Applicants respectfully submit that Muftic does not show or suggest the present invention as recited in independent Claims 1 and 9. Claims 7-8 are dependent on Claim 1 and recite additional limitations, and Claims 14-16 are dependent on Claim 9 and recite additional limitations.

Using similar reasoning as that presented above, Applicants respectfully submit that Muftic does not show or suggest the present

invention as recited in independent Claim 23. Moreover, Claim 23 clearly distinguishes between a first use of a (non-activated) smart card and subsequent uses of an (activated) smart card.

Specifically, Applicants respectfully submit that Muftic does not show or suggest "on first use of a non-activated smart card by a user to whom the non-activated smart card has been issued: receiving identifying information for the non-activated smart card; receiving manual identification information for the user; authenticating the user and the non-activated smart card using the manual authentication information and the identifying information; obtaining a public key from the non-activated smart card; and sending a digital certificate generated using the public key from a certificate authority to the non-activated smart card, wherein the non-activated smart card is activated upon receiving the digital certificate" as recited in Claim 23. Claims 24-25 are dependent on Claim 23.

Boroditsky does not overcome the shortcomings of Muftic. Specifically, Boroditsky, alone or in combination with Muftic, does not show or suggest "receiving identifying information for a non-activated smart card that is being used for the first time by a user; receiving manual authentication information for the user to whom the non-activated smart card has been issued; authenticating the user and the non-activated smart card using the identifying information and the manual authentication information; obtaining a public key from the non-activated smart card; and issuing a digital certificate that is generated using the public key, wherein

the non-activated smart card is activated upon receiving the digital certificate" as recited in Claim 1.

In addition, Boroditsky, alone or in combination with Muftic, does not show or suggest "sending, to an administration server, identifying information read from a non-activated smart card that has not been previously used by a user to whom the non-activated smart card has been issued; sending, to the administration server, manual authentication information input by a the user; generating a public key using the non-activated smart card; sending the public key to the administration server; and receiving a digital certificate that is generated using the public key, wherein the non-activated smart card is activated upon receipt of the digital certificate" as recited in Claim 9.

Also, Boroditsky, alone or in combination with Muftic, does not show or suggest "on first use of a non-activated smart card by a user to whom the non-activated smart card has been issued: receiving identifying information for the non-activated smart card; receiving manual identification information for the user; authenticating the user and the non-activated smart card using the manual authentication information and the identifying information; obtaining a public key from the non-activated smart card; and sending a digital certificate generated using the public key from a certificate authority to the non-activated smart card, wherein the non-activated smart card is activated upon receiving the digital certificate" as recited in Claim 23.

In summary, Applicants respectfully submit that Muftic and Boroditsky, alone or in combination, do not show or suggest the present invention as recited in independent Claims 1, 9 and 23. As such, Applicants also respectfully submit that Claims 7-8 (dependent on Claim 1), Claims 14-16 (dependent on Claim 9), and Claims 24-25 (dependent on Claim 23) are not shown or suggested by Muftic and Boroditsky, alone or in combination, as these claims are dependent on allowable base claims and recite additional limitations. Therefore, Applicants respectfully submit that the Examiner's basis for rejecting Claims 6-8, 14-16 and 24-25 under 35 U.S.C. § 103(a) is traversed.

CONCLUSION

Based on the remarks and amendments presented above, Applicants request allowance of the present Application.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-16 and 23-25 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

Applicants have reviewed the references that were cited but not relied upon. Applicants respectfully assert that the present claimed invention overcomes these references: US 5,220,604; US 5,919,989; US 6,260,111 and US 6,401,206.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Date: 8/8/03

Respectfully submitted,
WAGNER, MURABITO & HAO LLP



William A. Zarbis
Reg. No. 46,120

Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060